

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JOSHUA D. BRODSKY,

Plaintiff.

V.

WARDEN NEVEN et al.,

## Defendants.

Case No. 2:14-cv-1064-RFB-CWH

## ORDER

## I. DISCUSSION

On December 23, 2014, this Court entered a screening order dismissing the complaint in its entirety with prejudice, as amendment would be futile, for failure to state a claim. Order 9, ECF No. 24. The Clerk of the Court entered judgment that same day. ECF No. 25. On January 2, 2015, Plaintiff filed a notice of appeal. ECF No. 27. On May 14, 2015, the Ninth Circuit Court of Appeals granted Plaintiff leave to proceed *in forma pauperis* on appeal. ECF No. 30. On May 18, 2015, Plaintiff filed a motion for emergency injunctions in this Court. ECF No. 31.

The Court finds that it lacks jurisdiction over Plaintiff’s motion for emergency injunctions because Plaintiff has appealed this case to the Ninth Circuit Court of Appeals. See Davis v. United States, 667 F.2d 822, 824 (9th Cir. 1982) (holding that “[t]he filing of a notice of appeal generally divests the district court of jurisdiction over the matters appealed”). The Court denies the motion for emergency injunctions, without prejudice, and directs Plaintiff to file his motion with the Ninth Circuit Court of Appeals.

## II. CONCLUSION

For the foregoing reasons,

**IT IS ORDERED** that the motion for emergency injunctions, ECF No. 31, is denied, without prejudice. The Court directs Plaintiff to file his motion with the Ninth Circuit Court of Appeals.

DATED this 22nd day of May, 2015.

**RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE**